

REMARKS

Claims 1-34 are pending in the application and have been rejected.

Applicants respectfully traverse the rejection of claim 1 as anticipated by U.S. Patent No. 4,596,496 (“Tyrell”) or by U.S. Patent No. 4,749,310 (“White”).

Specifically, claim 1 positively recites, in part, that the first end and a portion of the first side cooperate to form a curved edge, and that the base includes a bracket formed on the top side and having a laterally extending slotted bore.

By comparison, Tyrell includes an angle block 22 that is square or at least rectilinear, and therefore it is impossible for the reference to satisfy the limitation relating to the base having a side and an edge that forms a curved surface. Moreover, the angle block does not extend to the 3-hole block 34, but instead the 3-hole block is a separate and distinct component connected to the balance of the device by a U-bolt. Consequently, the reference cannot satisfy the limitation that the bracket is formed on the top side of the base. Accordingly, the rejection based on Tyrell is overcome.

With respect to White, the reference fails to disclose or even suggest an open slotted bore in the bracket as claimed by amended claim 1. Instead, the references discloses a closed bore in the form of the vertical slot 66, rather than an open slotted bore as presently claimed. Accordingly, White does not anticipate claim 1, and claim 1 is in allowable form.

Neither reference can form the basis of a proper *prima facie* case of obviousness. One would have to completely discard the express teachings of Tyrell by eliminating the U-bolt and the 3-hole block. Similarly, one would have to eliminate the 3-hole aspect of Tyrell, and one would have to eliminate the closed rectangular bore of White. Either step would destroy the express teachings of those references.

Claims 2-11 depend from claim 1. Accordingly, claims 2-11 are also in allowable form.

In response to the rejection of claim 12 as anticipated by Tyrell or White, applicants have amended claim 12 to positively recite, in part, a retaining bracket formed

on the top side and spaced away from the stanchion, with the retaining bracket including a J-shaped bore having an open slot, the bore and the slot both sized to receive the horizontal bolt.

By comparison, neither Tyrell nor White discloses or even suggests a J-shaped bore having an open slot. Tyrell has a 3-hole block, with each hole consisting of a closed, round bore. White has a closed rectangular bore. Therefore, the rejection is overcome and claim 12 is in allowable form, as are any claims that depend from claim 12.

Once again, neither reference can support a proper *prima facie* case of obviousness for the same reasons as outlined above.

Claim 20 has been amended to positively recite, in part, a base, the base including a first end, a second end, a continuous first side and a continuous second side extending between the first and second ends, wherein one of the first and second sides is curved and exclusively convex.

By comparison, Tyrell is square or rectilinear, while the curved embodiment of White has a distinct combination of convex and concave surfaces. Accordingly, the rejection is overcome and claim 20 is in allowable form.

Claim 28 has been amended to positively recite, in part, that the base includes continuous first and second sides, that the retaining bracket is formed on the top side of the base and includes an open bore having a slot defining a gap sized to receive the horizontal bolt.

By comparison, the Tyrell device does not have continuous sides extending to the 3-hole block, as the U-bolt cannot possibly be considered as a “retaining bracket formed on the top side [of the base] and spaced away from the stanchion.” Instead, the Tyrell device has numerous separate and discrete components. Moreover, the Tyrell device lacks the claimed open bore having a slot defining a gap. White also lacks this feature. Accordingly, the rejections are overcome and claim 28 is in allowable form, as are all claims depending from claim 28.

Again, neither reference can support a proper *prima facie* case of obviousness with respect to claim 20 or 28 for the same reasons as outlined above.

Application No. 10/725,895
Response dated March 14, 2006
Reply to Office Action of December 14, 2005

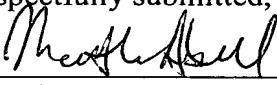
In view of the above, each of the claims presently at issue in this application is believed to be in immediate condition for allowance. Accordingly, the examiner is respectfully requested to pass this application to issue. Should the examiner have any questions or concerns regarding the claims, she is respectfully requested to telephone the undersigned at (312) 474-9566 to discuss the same.

The Director is hereby authorized to charge any fee deficiency required by this paper, or credit any overpayment, to Deposit Account No. 13-2855.

Dated: March 14, 2006

By:

Respectfully submitted,



Matthias Abrell
Reg. No. 47,377

MARSHALL, GERSTEIN & BORUN LLP
6300 Sears Tower
233 South Wacker Drive
Chicago, Illinois 60606-6357
(312) 474-6300